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10/599,902	08/29/2007	Zeev Shpiro	026285-000920US	6301

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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06/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masterson et al. (US 6,732,076; hereinafter Masterson).

Regarding claims 1-13, Masterson discloses a computerized method of teaching spoken language skills including the steps of receiving multiple user utterances into a computer system wherein the utterances include spoken responses to application prompts on a computer display; receiving criteria for pronunciation errors; analyzing the user utterances to detect pronunciation errors according to basic sound units and pronunciation error criteria; providing feedback to the user in accordance with the analysis; determining if the user utterance is a grossly different

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utterance than the desired utterance; a computer processor that produces application prompts for an audio playback interface, receiving multiple user utterances from an audio input device, receives criteria for pronunciation errors, analyzes the user utterances to detect pronunciation errors according to basic sound units and pronunciation error criteria, and provides feedback to the user on a visual display that shows application screens produced by the computer processor in accordance with the analysis. See abstract and Col. 1, line 61 – Col. 2, line 65.

Masterson all of the claimed subject matter with the exception of explicitly disclosing that the pronunciation error criteria is received in the computer prior to receiving the utterances. However, the Examiner takes official notice that educational systems are well known for providing authoring steps prior to administering of a test. Allowing a teacher to input authoring data (correct, incorrect answers)/error criteria prior to administration of a test has an obvious well-known result that allows an educational system to provide on-the-fly feedback to the student since a comparison of the received answer and correct answer can be performed immediately after receiving a student answer, thereby providing instant feedback.

Regarding newly added claim 14, Masterson discloses software to determine whether an error exists in a user pronunciation. "The determination may additionally include the application of a dialect filter that is adapted to discriminate between that which is deemed to be a true error and a predetermined normal dialect word pronunciation." See Col. 5, lines 55-67. Thus, Masterson discloses two different analysis settings where one is less restrictive than the other.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Primary Examiner, Art Unit 3715